

In the Matter of John Campanile, et al.

CSC Docket Nos. 2011-3599, 2011-4067 and 2011-3543

(Civil Service Commission, decided August 17, 2011)

John Campanile, James Just¹ and Jose Rosario appeal the determinations of the Division of Selection Services denying their requests for make-up examinations for the Entry Level Law Enforcement Examination (S9999M).

By way of background, 26,052 applications were received for this examination and 25,495 candidates were scheduled to be tested. The subject test was administered on November 18, 20, 30 and December 2, 4, 7, 9, and 11, 2010. Candidates were sent notices to appear dated November 4, 2010. Mr. Campanile was scheduled to be tested on November 20; and Messrs. Just and Rosario on December 11, 2010; but they did not appear to take the subject test.

On appeal, Mr. Campanile explains that he is “a uniformed Soldier of the United States Army Reserve and a combat veteran . . . On November 19-21, 2010, I was ordered to military duty at Fort Dix, New Jersey. Due to my service obligation to the United States Army, I was unable to take the Law Enforcement Examination that was administered on November 20, 2010.” In support of his appeal, he provides additional documentation including: a copy of a Certificate of Release or Discharge from Active Duty (DD Form 214); and a memorandum dated November 21, 2010 from Michael Boesch, Commanding Officer, in which he indicates that Mr. Campanile did attend military duty from November 19 through November 20, 2010.

Mr. Just indicates that he had a military drill on the test administration date. He adds that he is currently “deployed in training until [m]id[-]September 2011.” In support of his appeal, he provides additional documentation including: Enlistment/Reenlistment Document (DD Form 4) signed on November 11, 2010; and a letter dated March 10, 2011 from Keith Dawson, Training NCO, indicating that Mr. Just was scheduled for a United States Army Reserve training drill on December 11, 2010.

Mr. Rosario presents that he is “a member of the United States Army Reserves. My unit is in preparation to deploy to Afghanistan. This means that attendance for the monthly training is mandatory. On my scheduled test date I was scheduled to attend training.” In support of his appeal, he provides additional documentation including: a copy of his DD Form 214 and a memorandum dated February 23, 2011 from Norberto Carrasquillo, Commanding Officer, indicating that the appellant “did attend required military battle assemblies/SRP” on December 11, 2010.

¹ It is noted that Ana Just, power of attorney for James Just, submitted an appeal on his behalf.

CONCLUSION

N.J.A.C. 4A:4-2.9(c) provides, in pertinent part, that for police, fire, correction officer, sheriff's officer, juvenile detention officer and other public safety open competitive and promotional examinations, make-ups may be authorized only in cases of:

1. Death in the candidate's immediate family;
2. Error by the Civil Service Commission or appointing authority; or
3. A catastrophic health condition or injury, which is defined as either:
 - i. A life-threatening condition or combination of conditions; or
 - ii. A period of disability required by the candidate's mental or physical health or the health of the candidate's fetus which requires the care of a physician who provides a medical verification of the need for the candidate's absence from work for 60 or more work days.

Although the information presented by the appellants does not technically meet the criteria for a make-up pursuant to *N.J.A.C.* 4A:4-2.9, good cause exists to relax the controlling regulation given that they were required to participate in military training. As such, they were unable to participate in the examination on their respective test administration dates. Thus, the appellants should be provided with make-up examinations.

ORDER

Therefore, it is ordered that these appeals be granted and the appellants be scheduled for make-up examinations.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.